

# **CITY COUNCIL AGENDA**

**OCTOBER 1, 2002**

## **SYNOPSIS**

LINDA J. LE ZOTTE  
FORREST WILLIAMS  
CINDY CHAVEZ  
CHUCK REED  
NORA CAMPOS

DISTRICT 1  
DISTRICT 2  
DISTRICT 3  
DISTRICT 4  
DISTRICT 5

RON GONZALES MAYOR

KEN YEAGER  
GEORGE SHIRAKAWA, JR.  
DAVID D. CORTESE  
JOHN DIQUISTO  
PAT DANDO

DISTRICT 6  
DISTRICT 7  
DISTRICT 8  
DISTRICT 9  
DISTRICT 10

Welcome to the San José City Council meeting!

This Agenda contains both a Consent Calendar section for routine business items that require Council approval, and general business items arranged to correspond with San José's City Service Areas (CSAs). City Service Areas represent the policy-making level for strategic planning, policy setting, and investment decisions in the critical functions the City provides to the community. They are:

- ***Strategic Support Services*** — The internal functions that enable the CSAs to provide direct services to the community in an effective and efficient manner.
- ***Economic and Neighborhood Development*** — Manage the growth and change of the community in order to create and preserve healthy neighborhoods and ensure a diverse range of employment and housing opportunities.
- ***Recreation and Cultural Services*** — Serve, foster, and strengthen community by providing access to lifelong learning and opportunities to enjoy life.
- ***Transportation Services*** — A safe and efficient transportation system that contributes to the livability and economic health of the City.
- ***Environment and Utility Services*** — Manage environmental services and utility systems to ensure a sustainable environment for the community.
- ***Aviation Services*** — Provide for the air transportation needs of the community and the region at levels that are acceptable to the community.
- ***Public Safety Services*** — Commitment to excellence in public safety by investing in neighborhood partnerships as well as prevention, enforcement, and emergency preparedness services.

Items listed in Section 10 require approval of both the City Council and the San José Redevelopment Agency Board.

You may speak to the City Council about any item that is on the agenda, and you may also speak on items that are not on the agenda during Open Forum. If you wish to speak to the City Council, please refer to the following guidelines:

1. **Fill out a Yellow Speaker's Card and submit it to the City Clerk seated at the front table. Do this before the meeting or before the item is heard.** This will ensure that your name is called for the item/s that you wish to address, and it will help ensure the meeting runs smoothly for all participants.
2. When the Council reaches your item on the agenda, Mayor Ron Gonzales will open the public hearing and call your name. Please address the Council from the podium, which is located to the left of the City Clerk's table.
3. Each speaker generally has two minutes to speak per item. The amount of time allotted to speakers may vary at the Mayor's discretion, depending on the number of speakers or the length of the agenda.
4. To assist you in tracking your speaking time, there are three lights located to the far right of the podium. The green light turns on when you begin speaking; the yellow light turns on when you have 30 seconds left; and the red light turns on when your speaking time is up.

Please be advised that, by law, the City Council is unable to discuss or take action on issues presented during Open Forum. According to State Law (the Brown Act) items must first be noticed on the agenda before any discussion or action.

**The San José City Council meets every Tuesday at 1:30 p.m. and every first and third Tuesday at 7 p.m., unless otherwise noted. If you have any questions, please direct them to the City Clerk's staff seated at the tables just below the dais. Thank you for taking the time to attend today's meeting. We look forward to seeing you at future meetings.**

- **Call to Order and Roll Call**  
**9:00 a.m. - Closed Session, Room 600, City Hall**  
**Absent: Council Members – None.**  
  
**1:35 p.m. - Regular Session, Council Chambers, City Hall**  
**Absent: Council Members – None.**  
  
**7:05 p.m. - Public Hearings, Council Chambers, City Hall**  
**Absent: Council Members – None.**
- **Invocation (District 9)**  
**Father Jim Becknell, San José Police Chaplain, delivered the invocation.**
- **Pledge of Allegiance**  
**Mayor Gonzales led in the Pledge of Allegiance.**
- **Orders of the Day**  
**Approved with Item 5.6 heard during the Evening Session.**

## **1 CEREMONIAL ITEMS**

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- 1.1 Presentation of a proclamation declaring October 4, 2002 as Arts Day in San José, and October as the National Arts and Humanities Month.  
 (Conventions, Arts and Entertainment)  
**As Liaison to the Fine Arts Commission, Council Member Williams joined Mayor Gonzales at the Podium and introduced Ben Miyaji, Commission Chair, who accepted the proclamation. Mayor Gonzales acknowledged the importance of the arts and humanities, which affects all aspects of life and supports the broad public understanding of the rich diversity of the State's multi-cultural heritage, and invited the residents of San José and Silicon Valley to participate in and celebrate the artistic contributions to the Community's quality of life provided by numerous arts and cultural organizations.**
- 1.2 Presentation of a proclamation declaring the month of October as Domestic Violence Awareness Month. (Dando)  
**Representing the City of San José's Domestic Violence Prevention Task Force, Council Member Dando joined Mayor Gonzales at the Podium and emphasized the need to continue the educational awareness programs toward eradicating domestic violence and to reduce the impact on families in the community-at-large. She introduced Judge Len Edwards, long-time advocate for the eradication of domestic violence, who accepted the proclamation, acknowledged the partnership between the City and the County, and encouraged all residents to help raise awareness.**

# 1 CEREMONIAL ITEMS

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- 1.3 Presentation of a commendation to Services for Brain Injury (SBI) in recognition of Brain Injury Month. (Dando)  
**This item heard in the evening.**  
**Joining Mayor Gonzales at the Podium, Council Member Dando acknowledged the leadership of Christine Camara, Executive Director for Services for Brain Injury, who introduced the Webb family—Maurice, who is a Boardmember of SBI, Ann, and Derrick, recipients of the Program. Mayor Gonzales presented the commendation to Services for Brain Injury, which was accepted by the Executive Director.**
- 1.4 Swearing-in of Youth Commissioner for District 4 to a term ending October 31, 2005. (Mayor)  
**This item heard in the evening.**  
**Joining Mayor Gonzales at the Podium, Council Member Reed introduced Sean Deleev, District 4 Youth Commissioner, and City Clerk Patricia L. O’Hearn administered the Oath of Office.**
- 1.5 Presentation of a resolution and certificate of appreciation from the Good Sam Recreational Vehicle Club to the Mayor and City Council for the repeal of the zoning code prohibition. (Planning, Building and Code Enforcement)  
**This item heard in the evening.**  
**Joining Mayor Gonzales at the Podium were Evette Dilley, Good Samaritan Recreational Vehicle Club, Jim Dilley, and seven members of the Club. Evette presented the resolution and certificate to the City of San José, which was accepted by Mayor Gonzales on behalf of the City Council.**
- 1.6 Presentation of a commendation to the IBM Corporation for its generous contributions and ongoing commitment to education in our community, and its continuing active role as an exemplary corporate citizen of the City of San José. (Williams)  
**Joining Mayor Gonzales at the Podium, Council Member Williams acknowledged the success of IBM’s “Reinventing Education” Program and the grants supporting more than 65,000 teachers, 6 million students, and partnerships with 27 school districts in 9 states. He introduced Dr. Ted Olsson-Manager of Corporate Community Relations (Western United States) at IBM, Dr. Linda Murray-Superintendent of San José Unified School District, and Jacqueline Zonah-Program Manager, Educational Affairs, IBM. He acknowledged the participation of San José State University Dean Susan Meier and Associate Dean Miller, who were unable to attend the ceremony. Mayor Gonzales presented the commendations to the honorees.**

# 1 CEREMONIAL ITEMS

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- 1.7 Presentation of a proclamation declaring October 2002 as Employment of Persons with Disabilities Month in the City of San José. (LeZotte)  
(Rules Committee referral 9/25/02)  
**As Council Liaison to the Disability Advisory Commission and Chair of the Advisory Board for the Strategic Plan of the City of San José for Persons with Disabilities, Council Member LeZotte joined Mayor Gonzales at the Podium and acknowledged the 12<sup>th</sup> Anniversary of the Americans With Disabilities Act of 1990. She introduced Sandra Gouveia, Chair, and Harold Cole, Vice Chair, Disability Advisory Commission, who accepted the proclamation presented by Mayor Gonzales, and encouraged all residents and employers to recognize the day-to-day contributions of the disabled community, and take advantage of the skills and resources provided by those persons.**
- 1.8 Presentation of a commendation to the Class of 2002 Smart Start San José Family Child Care New Business Creation and Retention Services Program for training CalWorks and low-income individuals to open licensed family child care home business and providing services for family child care home providers who are under-enrolled and/or in jeopardy of going out of business. (Williams)  
(Rules Committee referral 9/25/02)  
**Joining Mayor Gonzales at the Podium, Council Member Williams introduced Angel Rios-Superintendent, and Deborah Simon-Manager, Office on Child Care, and commended seven members of the Class of 2000 Smart Start Family Child Care New Business Creation and Retention Services Program for their accomplishments. Mayor Gonzales presented the award to Program participants.**
- 1.9 Presentation of three plaques in recognition of the Smart Start San José (SSSJ) program; one plaque will be presented to Mayor Ron Gonzales, the others will be presented to the partners who participated in the competition's final presentation. Yolanda Garcia, Executive Director of the Institute for Early Childhood Professional Development, and Dr. Ted Olsson, Manager of Corporate Community Relations, (Western States) at IBM will be accepting the other two plaques. (Williams)  
(Rules Committee referral 9/25/02)  
**Joining Mayor Gonzales at the Podium were Council Member Williams, and Lisa Lawson of the California Community Partnership, who presented the plaques to the honorees, in recognition of the Smart Start San José Program. Mayor Gonzales thanked the broad-based community partners of the Smart Start Program, and introduced Geri Cobb of the North Carolina Smart Start Program, which is a national recognized program for high-quality childcare and early education. All guests were asked to stand to be recognized.**

# 1 CEREMONIAL ITEMS

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- 1.10 Presentation of a proclamation designating October 5, 2002, as "White Cane Safety Day" in the City of San José. (Yeager)  
(Orders of the Day)  
**Joining Mayor Gonzales at the Podium, Council Member Yeager introduced Bob Stewart, past-president of the Beverly-Burbank Lions Club, and Bob Hanson, District Governor of Lions International, who accepted the proclamation. Mayor Gonzales encouraged all residents to participate in the White Cane Day Walkathon on Saturday, October 5, 2002, at Caesar Chavez Park, 10:00 a.m. – 12:00 Noon, and encouraged all residents to understand and respect the purpose of the “white canes” used by the visually impaired.**
- 1.11 Mayor Gonzales and the City Council joined Council Member Campos in welcoming Boys Scout Troop 13 and Scoutmaster to the meeting of the City Council as requirement for their Citizenship Merit Badge. The guests were asked to stand to be recognized.
- 1.12 Mayor Gonzales and the City Council joined Council Member Yeager in acknowledging Cub Scout Pack 390 and Cubmasters of St. Martin’s, attending the meeting of the City Council as requirement for their Citizenship Merit Badge. The guests were asked to stand to be recognized.

# 2 CONSENT CALENDAR

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- 2.1 Approval of Minutes.  
None.
- 2.2 Final adoption of ordinances.

**Recommendation:** Final adoption of ordinances:

- (a) ORD. NO. 26733 – Amends Chapter 11.40 of Title 11 of the San José Municipal Code to establish parking meter districts.  
**Ordinance No. 26733 adopted.**
- (b) ORD. NO. 26734 – Amends Sections 19.12.010 of Chapter 19.12; 19.16.010, 19.16.180, and 19.16.190 of Chapter 19.16; and 19.38.300 of Chapter 19.38, all of Title 19 of the San José Municipal Code, to amend the parcel map process under the subdivision map act.  
**Ordinance No. 26734 adopted.**
- (c) ORD. NO. 26736 – Approves the second amendment to the development agreement with Palm, Inc. (formerly 3Com Corporation) relative to the development of property in North San José.  
**Ordinance No. 26736 adopted.**

## 2 CONSENT CALENDAR

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### 2.2 Final adoption of ordinances

**Recommendation:** Final adoption of ordinances:

- (d) ORD. NO. 26737 – Rezones certain real property situated at the west side of South Bascom Avenue, approximately 690 feet southerly of Curtner Avenue.  
PDC 02-01-003

**Ordinance No. 26737 adopted.**

- (e) ORD. NO. 26738 - Rezones certain real property situated at the west side of San Pedro Street, approximately 130 feet northerly of West Saint James Street.  
PDC 01-100

**Ordinance No. 26738 adopted.**

### 2.3 Approval of City Auditor Gerald Silva's travel calendar.

**Recommendation:** Approval of City Auditor Gerald Silva's travel calendar through December 31, 2002. Funding: City Auditor's Non-Personal budget. CEQA: Not a Project. (City Auditor)

**Approved.**

### 2.4 Approval of various actions related to the Carlton Plaza Apartments credit substitution.

**Recommendation:** Adoption of a resolution to:

- (a) Approve the proposal to substitute the current credit facility provided by Heller Financial with a credit facility from Fannie Mae, and authorizing the Director of Finance (or designee), to execute and deliver the necessary documentation; and
- (b) Approve, in substantially final form, certain documents relating to the proposed credit substitution, including: Remarketing Statement, Financing Agreement, Amended and Restated Trust Indenture, First Amendment to Regulatory Agreement and Declaration of Restrictive Covenants, and Assignment and Intercreditor Agreement (relating to the Bond Regulatory Agreement).

CEQA: Negative Declaration, PDC 97-10-073. Council District 10. (Finance)

**Resolution No. 71226 adopted.**

### 2.5 Approval of an agreement for the Airport Noise and Operations Monitoring System.

**Recommendation:** Adoption of a resolution authorizing the Director of General Services to execute a five-year agreement for maintenance services, from July 1, 2002 to June 30, 2007, for the Airport Noise and Operations Monitoring System (ANOMS) with Lochard Corporation, (Stoneham, MA) for a total cost not to exceed \$370,000. CEQA: Not a Project. (General Services/Airport)

**Resolution No. 71227 adopted.**

## 2 CONSENT CALENDAR

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### 2.6 Approval of an agreement to provide a physical fitness program.

**Recommendation:** Approval of an agreement with Club One, Inc. to provide a Physical Fitness Program for the Police Department, for the period of July 1, 2002 to June 30, 2003, in an amount not to exceed \$127,340. CEQA: Not a Project. (Police)

**Approved.**

### 2.7 Approval to award a contract for the Welch Park Restroom Renovation.

**Recommendation:** Report on bids and award of contract for the Welch Park Restroom Renovation Project to the low bidder, HRB Construction, Inc., in the amount of \$123,205, and approval of a contingency in the amount of \$12,000. CEQA: Exempt, PP02-08-207. Council District 8. SNI: K.O.N.A. (Public Works)

**Approved.**

### 2.8 Approval to award a contract for the Boynton Avenue Sidewalk Improvement Project.

**Recommendation:** Report on bids and award of contract for the Boynton Avenue Sidewalk Improvement Project to the lowest responsive bidder, GradeTech Inc., in the amount of \$112,829.75, and approval of a contingency in the amount of \$11,000. CEQA: Exempt, PP02-01-001. Council District 1. (Public Works)

**Approved.**

### 2.9 Approval of an agreement for the design of a Parking Guidance System.

**Recommendation:** Approval of a continuation agreement for the design of a Parking Guidance System (PGS) with Kimley-Horn and Associates, Inc. (KHA) for a one-year term, from September 2002 to August 2003, at no additional cost to the City. CEQA: Not a Project. Council District 3. (Transportation)

**Approved.**

### 2.10 Approval of an ordinance establishing a residential permit-parking zone.

**Recommendation:** Approval of an ordinance establishing a residential permit-parking zone in the College Park Neighborhood. CEQA: Exempt, PP02-09-234. Council District 6. (Transportation)

**Ordinance No. 26744 passed for publication.**

**Council (a) approved Staff recommendation to establish a residential permit-parking zone in the College Park Neighborhood; (b) directed Staff to expedite any application for parking lots that Bellarmine would like to build;**

*This item continued on the next page.*

## **2 CONSENT CALENDAR**

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### **2.10 Approval of an ordinance establishing a residential permit-parking zone.**

**Recommendation:** Approval of an ordinance establishing a residential permit-parking zone in the College Park Neighborhood. CEQA: Exempt, PP02-09-234. Council District 6. (Transportation) **(Cont'd.)**

**(c) to involve Bellarmine and Temple Emanu-El representatives in future neighborhood meetings; (d) provide variances for special events occurring at Bellarmine; (e) to schedule during evening sessions any future discussions of similar subjects relating to permit parking zones; and (f) to return to Council in 6 months after implementation with a status report on the affect of the program on the households and neighborhoods involved.**

### **2.11 Approval of Vice Mayor George Shirakawa's travel.**

**Recommendation:** Approval of Vice Mayor George Shirakawa's travel to Albuquerque, New Mexico, from June 26-June 30, 2002, to attend the National Association of Latino Elected & Appointed Officials (NALEO) Educational Fund Annual Conference. CEQA: Not a Project. Funding: District 7. (Shirakawa)  
(Rules Committee referral 9/25/02)

**Approved.**

### **2.12 Approval of an ordinance amending the Disposal Facility Tax Ordinance.**

**Recommendation:** Approval of an ordinance amending Section 4.78.020 of Chapter 4.78 of Title 4 of the San Jose Municipal Code (the Disposal Facility Tax Ordinance) to include petroleum contaminated soils and sludge materials in the definition of cover material. CEQA: Not a Project. (City Attorney)  
(Orders of the Day)

**Ordinance No. 26743 passed for publication.**

**END OF CONSENT CALENDAR**

## **3 STRATEGIC SUPPORT SERVICES**

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### **3.1 Report of the Study Session Mayor Gonzales, Chair No Report.**

### 3 STRATEGIC SUPPORT SERVICES

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#### 3.2 Report of the Rules Committee - Meeting of September 18, 2002

Vice Mayor Shirakawa, Jr., Chair

- (a) Redevelopment Agency items reported out at Redevelopment Agency meeting  
**The Redevelopment Agency items to be reported out at Redevelopment Agency Board meeting.**
- (b) City Council
  - (1) Review October 1, 2002 Draft Agenda  
**The Committee recommended approval of the October 1, 2002 Council Agenda with three additions.**
  - (2) Add New Items to September 24, 2002 Amended Agenda  
**The Committee recommended three additions to the September 24, 2002 Council Agenda.**
- (c) City Council Committees
  - (1) Amendments to Council Committee Agendas
    - (a) Finance and Infrastructure Committee  
**None Filed**
    - (b) Economic Development and Environment Committee  
**The Committee recommended approval to add the following item to the October 7, 2002 Agenda of the Economic Development and Environment Committee: *Land Use Policy for Wireless Communication Facilities (Planning, Building & Code Enforcement)*.**
    - (c) Education, Neighborhoods, Youth, and Seniors Committee  
**None Filed.**
- (d) Meeting Schedules  
**None Presented.**
- (e) The Public Record  
**The Committee noted and filed the Public Record for the period September 4-10, 2002.**
- (f) Boards, Commissions and Committees  
**None Presented.**

### 3 STRATEGIC SUPPORT SERVICES

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#### 3.2 Report of the Rules Committee - Meeting of September 18, 2002 – (Cont'd.)

Vice Mayor Shirakawa, Jr., Chair

(g) Council Referrals for Assignment to Appropriate Committee, Administration, or Council Appointee

- (1) Direct Administration to schedule a joint meeting with Santa Clara Valley Water District to discuss all unresolved policy issues relating to trails  
**The Committee directed the Administration to return October 2, 2002 with a workload assessment to schedule a joint meeting with Santa Clara Valley Water District to discuss all unresolved policy issues relating to trails.**

(h) Administrative Reviews and Approval

- (1) Workload assessment to audit Airport Neighborhood Services Group  
**The Committee referred this item to the City Auditor and directed him to return September 25, 2002 with a workload assessment to audit the Airport Neighborhood Services Group.**

- (2) Approve City Position on November 2002 State Ballot Proposition 46: Housing and Emergency Shelter Trust Fund Act of 2002

**This Item Heard by Council on 09/24/02.**

- (3) 2002 League of CA Cities Voting Delegate and Alternate at the Annual Business Meeting

**The Committee approved the proposed designation of Pat Dando, as the voting delegate, and Nora Campos, as the alternate, at the October 5, 2002 Annual Business Meeting for the League of California Cities.**

- (4) Approve use of Council General funds by Council Member Dando to attend the National League of Cities' Transportation & Infrastructure Fall Steering Committee Meeting, September 25-29, 2002, in Belle Isle, FL  
**The Committee recommended approval the use of Council General funds by Council Member Dando to attend the National league of Cities' Transportation & Infrastructure Fall Steering Committee Meeting, September 25-29, in Belle Isle, Florida.**

- (5) Approve use of Council General funds by Council Member Dando to attend the League of California Cities' Annual Meeting, October 2-5, 2002 in Long Beach, CA

**The Committee recommended approval the use of Council General funds by Council Member Dando to attend the League of California Cities' Annual Conference Board Meeting and the Transportation, Communications & Public Works Policy Committee Meeting, October 2-5, 2002 in Long Beach, California.**

### **3 STRATEGIC SUPPORT SERVICES**

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#### **3.2 Report of the Rules Committee - Meeting of September 18, 2002 – (Cont'd.)**

**Vice Mayor Shirakawa, Jr., Chair**

(i) Oral Communications

**None Presented.**

(j) Adjournment

**The meeting was adjourned at 2:15 p.m.**

**The Rules Committee Report and actions of September 18, 2002 accepted.**

#### **Report of the Rules Committee - Meeting of September 25, 2002 (Partial)**

(h) (3) 2002 League of California Resolutions

**The Committee [1] approved the recommended City positions on Resolutions #1-3 and #5-10 to be considered at the Annual League of California Cities Conference to be held in Long Beach, California, October 2-5, 2002; and [2] recommended supporting the League of California Cities' position to place Resolution #4 on the ballot.**

**The Partial Rules Committee report and actions of September 18, 2002 accepted with Item [2] amended to read: recommended the League of California Cities take a "Support" position on Resolution #4.**

#### **3.3 Report of the Finance and Infrastructure Committee**

**Council Member Dando, Chair**

**No Report.**

### **4 ECONOMIC & NEIGHBORHOOD DEVELOPMENT**

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#### **4.1 Report of the Economic Development & Environment Committee**

**Council Member Williams, Chair**

**No Report.**

## 4 ECONOMIC & NEIGHBORHOOD DEVELOPMENT

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### 4.2 Approval of a report on Group Home and Reasonable Accommodations.

**Recommendation:** Approval of Report on reasonable accommodation with recommendation to take the following actions:

- (a) Direct that the reasonable accommodation process continue to consider the business aspects of proposed uses on a case-by-case basis focusing on the impacts of those aspects in the zoning district.
- (b) Direct that the reasonable accommodation process continue to consider the appropriate number of residents for each proposed use on a case-by-case basis.
- (c) Direct the Administration to discuss with Santa Clara County the possibility of setting minimum operational standards, which may include limiting the number of residents at facilities and obtain City input on facilities under contract with the County or subject to County certification.
- (d) Direct the City Attorney and the Administration to draft amendments to the Zoning Code to make the changes in procedure as follows:
  - (1) Eliminate an initial notice that has not undergone any analysis
  - (2) Refine what must be included in the application.
  - (3) Expand the noticing requirement to 300 feet, with direction to go to a greater noticing radius (500 or 1000 feet) to ensure that a sufficient number of adjacent property owners receive notice.
  - (4) Request a meeting with staff to go over the application and request a meeting for neighbors to attend.
  - (5) Issue the proposed decision stating that there will be an informal conference on site with staff and interested neighbors to discuss what is going on.
  - (6) At the Director's hearing the focus should summarize the issues discussed and resolved.
  - (7) Director's decision becomes effective 15 days after issuance if there is no appeal filed.
  - (8) If on Appeal to the Planning Commission, the Planning Commission cannot come to a decision, then the Director's decision stands.
- (e) Direct the Administration to thoroughly keep records of the location of all residential facilities by licensing, certification, type, number of residents, date of establishment, zoning district, Council district; and to amend the reasonable accommodation guidelines to consider other residential care and service facilities and other reasonable accommodations granted within 300 feet of a proposed facility.
- (f) Direct the City Manager to appoint a central person or system as a clearinghouse of all complaints to determine whether or not they have been resolved.

[Economic Development and Environment Committee 6/3/02 – Item 4.1(a)]

(Deferred from 6/18/02 – Item 4.2 et al., and 9/17/02 – Item 4.2)

**Dropped.**

## **4 ECONOMIC & NEIGHBORHOOD DEVELOPMENT**

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### **4.3 Approval of various actions related to the Hacienda Villa Creek Senior Apartments.**

**Recommendation:**

- (a) Adoption of a resolution approving a conditional grant of up to \$2,289,520 to ROEM Development Corporation, or an affiliated entity, for the development of the Hacienda Villa Creek Apartments, a proposed 80-unit senior rental development, located at the northerly terminus of East Court and West Court, north of East Julian Street. CEQA: Negative Declaration, PDCSH01-10-097. Council District 3. SNI: Five Wounds/Brookwood Terrace. (Housing)

**Resolution No. 71228 adopted.**

- (b) Adoption of a resolution authorizing:
- (1) The issuance of a senior tax-exempt multifamily housing revenue bonds (the "Senior Bonds") in a principal amount not to exceed \$4.453 million and subordinate tax-exempt multifamily housing revenue bonds (the "Subordinate Bonds") in a principal amount not to exceed \$2.547 million. In aggregate, the entire issuance of Senior Bonds and Subordinate Bonds will not exceed \$7.0 million (the "Bonds");
  - (2) Approving a loan of the Bond proceeds to Hacienda Villa Creek Senior Apartments L.P., a California limited partnership created by ROEM Development Corporation and Foundation for Affordable Housing II, Inc. to finance the construction of the Hacienda Villa Creek Senior Apartments Project;
  - (3) Approving in substantially final form the Senior Bonds, Senior Trust Indenture, Senior Financing Agreement, Subordinate Bonds, Subordinate Trust Indenture, Subordinate Financing Agreement, Regulatory Agreement and Declaration of Restrictive Covenants, Senior Bond Purchase Agreement and Subordinate Bond Purchase Agreement; and
  - (4) Authorizing the Director of Finance and the Director of Housing, as appropriate, to negotiate, execute, and deliver these documents and other related documents as necessary.

CEQA: Negative Declaration, PDCSH01-10-097. Council District 3. (Finance/Housing)

**Resolution No. 71229 adopted.**

### **4.4 Approval of amendments to the existing business terms of the loan secured by the Commercial Street Inn.**

**Recommendation:** Adoption of a resolution to approve amendments to the existing City loan of \$447,150, secured by the InnVision sponsored Commercial Street Inn located at 260 Commercial Street, San José. CEQA: Not a Project. Council District 3. (Housing)

**Resolution No. 71230 adopted.**

## **4 ECONOMIC & NEIGHBORHOOD DEVELOPMENT**

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### **4.5 Approval of the policy recommendations included in the FY 2002-07 Five-Year Housing Investment Plan.**

**Recommendation:** Adoption of a resolution approving the recommendations included in the FY 2002-07 Five-Year Housing Investment Plan to revise current City Policies and accepting the remainder of the report. CEQA: Not a Project. (Housing)  
[Referred from General Plan Agenda 9/3/02 – Item 2.10 (c)]

**Deferred to 10/15/02.**

### **4.6 Approval of various actions related to the Evans Lane Apartments.**

**Recommendation:** Adoption of a resolution:

- (a) Approving an increase in the number of extremely low-income units from twenty-four to thirty-five to Evans Lane Apartments, L.P., or its designated partnership, for the development of the Evans Lane Family Apartments, a 239-unit family rental development located at 1848 Evans Lane; and
- (b) Approving a \$1,265,000 increase to the \$2,760,000 Conditional Grant, bringing the total Conditional Grant to \$4,025,000.

CEQA: Negative Declaration, PDC98-089. Council District 6. (Housing)  
(Rules Committee referral 9/25/02)

**Resolution No. 71231 adopted.**

### **4.7 Approval of various actions related to the Civic Center Project.**

**Recommendation:**

- (a) Adoption of a resolution:
  - (1) Authorizing the City Manager to negotiate and execute an agreement with Willis Insurance Services of California, Inc. to provide services for an Owner Controlled Insurance Program (OCIP) for the New San José Civic Center Project in an amount not to exceed \$384,000;
  - (2) Authorizing the City Manager to procure OCIP insurance coverage and Builder's Risk coverage with the insurance premium not to exceed \$6,000,000; and
  - (3) Authorizing the City Manager to procure independent safety consulting services to the extent needed as determined through discussions between the OCIP insurance broker, the OCIP consultant and City staff in an amount not to exceed \$600,000.

**Resolution No. 71232 adopted.**

- (b) Adoption of the following appropriation ordinance and funding sources resolution amendments in the Civic Center Construction Fund:

- (1) Establish a loan from the Sewage Treatment Plant Connection Fee Fund in the amount of \$12.5 million to be used as a line of credit.
- (2) Increase the Ending Fund Balance by \$12.5 million.

**Ordinance No. 26745 adopted.**

**Resolution No. 71233 adopted.**

## **4 ECONOMIC & NEIGHBORHOOD DEVELOPMENT**

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### **4.7 Approval of various actions related to the Civic Center Project. (Cont'd.)**

#### **Recommendation:**

- (c) Adoption of the following appropriation ordinance amendments in the Sewage Treatment Plant Connection Fee Fund:
- (1) Establish a loan to the Civic Center Construction Fund in the amount of \$12.5 million to be used as a line of credit; and
  - (2) Decrease the Reserve for Treatment Plant Expansion by \$12.5 million.
- CEQA: Resolution No. 68905. (Finance/City Manager's Office/Public Works)  
(Deferred from 9/17/02 – Item 2.9 and 9/24/02 – Item 2.13)  
**Ordinance No. 26746 adopted.**

## **5 RECREATION & CULTURAL SERVICES**

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### **5.1 Report of the Education, Neighborhoods, Youth, and Seniors Committee – September 16, 2002**

#### **Council Member Chavez, Chair**

- (a) Youth Commission Monthly Report  
**The Committee accepted the report and directed Staff to ensure distribution of bookmarks on Domestic Violence is completed prior to October 1, 2002, including schools and libraries.**
- (b) Status Report on Skate Parks  
**The Committee accepted the report with direction to Staff to (1) send a written status report on Skate Parks to the Committee before the November 18, 2002 ENYS Committee meeting; and (b) to include all skate parks in the bi-monthly reports to ENYS Committee.**
- (c) Report on Truancy Abatement/Burglary Suppression (TABS)  
**The Committee accepted the report with direction to Staff to (1) examine TABS staffing levels, as it relates to technology; (2) begin dialogue with individuals in the schools regarding revenue sharing, when appropriate, as part of the schools collaborative; (3) examine staffing levels, in general; and (d) include in the next TABS report a paragraph on curfew.**
- (d) Blueprint for Bridging the Digital Divide – 2<sup>nd</sup> Year Action Plan  
**The Committee accepted the report with the directive to Staff that the analysis report scheduled for consideration by the Committee in December 2002 (1) be broken down by District; (2) include programs funded by the Healthy Venture Fund; (3) include a graph showing Smart Start Programs that are operating, and those ready for implementation and related timelines.**

**See Item 5.2 for Council action taken.**

## **5 RECREATION & CULTURAL SERVICES**

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### **5.1 Report of the Education, Neighborhoods, Youth, and Seniors Committee – September 16, 2002 – (Cont'd.)**

**Council Member Chavez, Chair**

**(e) Child Care Update**

**The Committee accepted the report with the directive to Staff that the December status report on the Child Care Strategic Plan includes the following:**

- **Results from an employee survey, including hours needed for childcare, ages, and number of children;**
- **Strategies to improve infant child care;**
- **Strategies for providing “privacy space” on each floor of the new Civic Center;**
- **A list of all schools in each Council District that have on-site childcare facilities and the number of available slots; and**
- **Report on evaluation tools**

**See item 5.3 for Council action taken.**

**(f) Youth Employment Services Update**

**The Committee accepted the report with direction to Staff to explore mentorship programs and identify a mechanism to connect them to the schools.**

**(g) Status Report on Anti-Graffiti Efforts regarding Garbage and Recycling Containers**

**The Committee accepted the report with direction to Staff to partner with the County for consistency in agreements and how best to deal with the haulers.**

**(h) Oral Petitions**

**None Presented.**

**(i) Adjournment**

**The meeting was adjourned at 3:25 p.m.**

**The Education, Neighborhoods, Youth, and Seniors Committee Report and actions of September 16, 2002 accepted with Item 5.1(d) acted upon at Item 5.2, and Council action on Item 5.1(e) taken at Item 5.3.**

## **5 RECREATION & CULTURAL SERVICES**

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### **5.2 Presentation and acceptance of the second year Action Plan of the Blueprint for Bridging the Digital Divide.**

**Recommendation:** Presentation and acceptance of the second year Action Plan of the Blueprint for Bridging the Digital Divide. (Parks, Recreation and Neighborhood Services)

[Education, Neighborhoods, Youth and Seniors Committee 9/16/02 – Item 5.1(d)]

**Council unanimously accepted Staff's presentation of the second year action plan.**

### **5.3 Presentation and acceptance of the final draft of the new Early Care and Education Strategic Work Plan.**

**Recommendation:** Presentation and acceptance of the final draft of the new Early Care and Education Strategic Work Plan. (Parks, Recreation and Neighborhood Services)

[Education, Neighborhoods, Youth and Seniors Committee 9/16/02 – Item 5.1(e)]

**Council accepted Staff's presentation of the final draft of the new workplan with the Administration directed to review and amend the recent Employee Survey to reflect specific references to "child care" facilities at the new Civic Center and the level of importance employees place on such service.**

### **5.4 Approval to award a contract for the Stonegate and Watson Parks Play Area and Restroom Renovation Project.**

**Recommendation:** Report on bids and award of contract for the Stonegate and Watson Parks Play Area and Restroom Renovation Project to the low bidder, and approval of a five percent contingency. Stonegate Park CEQA: Exempt, PP02-06-172. Watson Park CEQA: Exempt, PP02-06-171. Council Districts 3 and 7. Watson Park SNI: 13th Street. (Public Works)

**Deferred to 10/15/02.**

### **5.5 Approval of an agreement for the Berryessa Youth Center.**

**Recommendation:**

- (a) Approval of an agreement with the Berryessa Union School District for the construction of the Berryessa Youth Center and joint operation of the center to be located at Morrill Middle School for a term of 30 years.

**Approved.**

## **5 RECREATION & CULTURAL SERVICES**

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### **5.5 Approval of an agreement for the Berryessa Youth Center. (Cont'd.)**

**Recommendation:**

(b) Adoption of the following appropriation ordinance amendments in the Parks and Recreation Bond Project Fund:

(1) Increase the Morrill Community Center-Multi Service project by \$100,000.

(2) Decrease the Ending Fund Balance by \$100,000.

CEQA: Exempt, PP02-09-250. Council District 4. (Parks, Recreation and Neighborhood Services/City Manager's Office)

(Deferred from 9/24/02 – Item 5.3)

**Ordinance No. 26747 adopted.**

### **5.6 Approval of the 6<sup>th</sup> & William Street Park Master Plan.**

**Recommendation:** Approval of the 6<sup>th</sup> & William Street Park Master Plan. CEQA: Exempt, PP02-04-084. Council District 3. SNI: University. (Parks, Recreation and Neighborhood Services)

(Deferred from 9/24/02 – Item 5.5)

**This item heard in the evening.**

**Approved.**

## **6 TRANSPORTATION SERVICES**

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### **6.1 Approval to award a contract for the FY 2002-03 Remove and Replace AC Pavement 2002.**

**Recommendation:** Report on bids and award of contract for the FY 2002-03 Remove and Replace Asphalt Concrete (AC) Pavement 2002 to the low bidder, El Camino Paving, Inc., in the amount of \$1,365,608.80, plus a 10% contingency amount of \$136,561, for a total award amount not to exceed \$1,502,169.80. CEQA: Exempt, PP02-09-236. (Transportation)

**Approved with direction to Staff to provide Council with (a) a list of all City streets having significant pavement failure which require complete dig out and paving, and (b) a comprehensive plan for reducing the backlog of street resurfacings.**

## **7 ENVIRONMENTAL & UTILITY SERVICES**

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## 8 AVIATION SERVICES

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### 8.1 Approval of various actions related to an agreement for an integrated airport property and revenue management system.

**Recommendation:** Adoption of a resolution authorizing the Director of General Services to:

- (a) Negotiate and execute an agreement for an integrated airport property and revenue management system with Decision Support Technologies, Inc., in the amount of \$754,600, including sales tax, installation, implementation, and training; and
- (b) Execute change orders to the Agreement in an amount not to exceed \$50,000 for any additional, unanticipated requirements encountered during the implementation process for this project.

CEQA: Not a Project. (General Services/Airport)

**Resolution No. 71234 adopted.**

**Staff recommended approval of the various actions with a revision to 8.1(a), as follows: The amount should be changed to read “\$771, 925”, including sales tax, installation, and implementation, and training”.**

### 8.2 Approval of various actions related to terminal support services at the Airport.

**Recommendation:** Adoption of a resolution authorizing the Director of General Services to:

- (a) Negotiate and execute a one-year agreement with Aviation Safeguards for the purpose of terminal support services at the Norman Y. Mineta San José International Airport, with a total first year compensation not to exceed \$500,000; and
- (b) Execute two one-year options to renew with compensation adjustments based on the Consumer Price Index not to exceed 7% per year and contingent upon Council appropriation of the funds each year.

CEQA: Resolution No. 67380, PP02-09-243. (General Services)

**Resolution No. 71235 adopted.**

## 9 PUBLIC SAFETY SERVICES

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### 9.1 Approval of various actions related to the Computer Aided Dispatch System.

**Recommendation:** Report on Request for Proposal (RFP) and adoption of a resolution authorizing the Director of General Services to:

- (a) Negotiate and execute an agreement for the purchase, installation, and integration of a Computer Aided Dispatch System with the Intergraph Corporation in the amount of \$4,731,437.23 including tax; and

*This item continued on the next page.*

## 9 PUBLIC SAFETY SERVICES

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### 9.1 Approval of various actions related to the Computer aided Dispatch System. (Cont'd.)

**Recommendation:** Report on Request for Proposal (RFP) and adoption of a resolution authorizing the Director of General Services to:

- (b) Execute change orders to the agreement in an amount not to exceed \$50,000 for any additional, unanticipated requirements encountered during the implementation process for this project.

CEQA: Not a Project. (General Services/Police)

**Resolution No. 71236 adopted.**

### 9.2 Approval of various actions related to the Anti-Drug Abuse Grant.

**Recommendation:**

- (a) Adoption of a resolution to accept an Anti-Drug Abuse Grant (ADA) award from the State of California in the amount of \$138,167.

**Resolution No. 71237 adopted.**

- (b) Adoption of amendments to the annual appropriation ordinance and funding sources resolution in the General Fund for the Fiscal Year 2002-03 as follows:

- (1) Establish a City-wide appropriation to the Police Department for the Anti-Drug Abuse Grant in the amount of \$138,167; and
- (2) Increase the estimate for Revenue from the State of California by \$138,167.

CEQA: Not a Project. (Police/City Manager's Office)

**Ordinance No. 26748 adopted.**

**Resolution No. 71238 adopted.**

## 10 JOINT COUNCIL/REDEVELOPMENT AGENCY

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- Closed Session Report
- Notice of City Engineer's Pending Decision on Final Maps  
In accordance with Sec. 19.16.140d of the San Jose Municipal Code, this is notice of the City Engineer's pending decision on the following Final Maps:  
**None.**

In accordance with Sec. 19.16.140d of the San Jose Municipal Code, this is notice of the City Engineer's receipt of the following Final Maps for review:

**None.**

- **Open Forum**  
**The following individuals addressed Council on cardroom issues: Nabil Astrinos, William J. Garbett, Gregory Colburn, and Thu N. Upshur.**
- **Following Open Forum, Council recessed at 4:20 p.m. p.m. and reconvened at 7:05 p.m., Council Chambers.**

# 11 PUBLIC HEARINGS

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## 11.1 Public Hearing on a street renaming.

**Recommendation:** PUBLIC HEARING ON STREET RENAMING of a proposed frontage road running parallel to the east of State Highway 87, between the northerly line of West Hedding Street and southerly line of Coleman Avenue to Guadalupe Road. CEQA: Exempt. Historical Landmarks Commission and Director of Planning, Building and Code Enforcement recommend renaming to El Pueblo Viejo. Planning Commission recommends renaming to Guadalupe Parkway Frontage Road (7-0-0).

District 3

(Continued from 12/4/01 – Item 11.1 et al., and 9/17/02 – Item 11.1)

**Dropped.**

## 11.2 Public Hearing on planned development rezoning at North First Street and East Gish Road.

**Recommendation:** PUBLIC HEARING ON PLANNED DEVELOPMENT REZONING of the property located at the northeast corner of North First Street and East Gish Road, from CN Commercial Neighborhood Zoning District to PD Planned Development Zoning District, to allow a mixed use development of 3,230 square feet of ground floor commercial use and 22 multi-family attached residential units on 0.5 gross acre. (The Southland Corporation, Owner; BEC, Inc., Developer). CEQA: Negative Declaration. Director of Planning, Building, and Code Enforcement and Planning Commission recommend approval (7-0-0).

PDC 02-014 - District 3

(Continued from 6/18/02 – Item 11.13 et al., and 9/17/02 – Item 11.4)

**Continued to 10/15/02.**

## 11.3 Public Hearing on conforming planned development rezoning at Curtner Avenue and Highway 87.

**Recommendation:** PUBLIC HEARING ON CONFORMING PLANNED DEVELOPMENT REZONING of the property located at the south side of Curtner Avenue, approximately 700 feet easterly of Highway 87, from A(PD) Planned Development Zoning District to A(PD) Planned Development Zoning District, to allow up to 425 single-family and multi-family residential units on a 60.2 gross acre site. (MTA Properties, Owner; Summerhill Homes, Developer). CEQA: Mitigated Negative Declaration. Director of Planning, Building and Code Enforcement recommends approval. No Planning Commission action required.

PDC 02-042 - District 7

(Continued from 9/17/02 – Item 11.8)

**Ordinance No. 26749 passed for publication.**

## 11 PUBLIC HEARINGS

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### 11.4 Public Hearing on Director-initiated prezoning of Fehren Drive and Monterey Road.

**Recommendation:** PUBLIC HEARING ON DIRECTOR-INITIATED PREZONING of property located at the southeast corner of Fehren Drive and Monterey Road, from County to CG General Commercial Zoning District, to allow commercial uses on a 0.40 gross acre site. (Director Initiated). CEQA: General Plan 2020 Resolution No. 65459. Director of Planning, Building and Code Enforcement and Planning Commission recommends approval (7-0-0).

C 02-065 - District 7

**Ordinance No. 26750 passed for publication.**

- **Open Forum**

The following individuals asked Council to review the issue of cardroom closures: Lorna Jones, Laura Powers, Desaray Dam, and Gregory Colburn.

- **Adjournment**

The Council of the City of San José adjourned at 7:35 p.m.